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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN

Chapter 11

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF OPPOSITION TO
APPROVAL OF STIPULATION
GRANTING DERIVATIVE STANDING TO
THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS WITH
RESPECT TO CERTAIN ACTIONS [ECF
NO. 1029] AND OBJECTION TO
DEBTOR'S FIRST AMENDED CHAPTER
11 PLAN OF REORGANIZATION DATED
AUGUST 1, 2023 [ECF NO. 1061]**

Hearing Date: August 17, 2023
Hearing Time: 10:30 a.m.

Pursuant to Federal Rule of Evidence 201, made applicable to this proceeding through Bankruptcy Rule 9017, Chris McAlary (“Movant”) by and through his undersigned counsel, the law firm of Carlyon Cica Chtd., hereby requests that the Court take judicial notice of the following documents in connection with the hearing scheduled for August 17, 2023 2023 on the *Opposition to Approval of Stipulation Granting Derivative Standing to the Official Committee of Unsecured Creditors with Respect to Certain Actions* [ECF No. 1029] and *Objection to Debtor's First Amended Chapter 11 Plan of Reorganization Dated August 1, 2023* [ECF No. 1061].

Movant requests that the Court take judicial notice of the pleadings and Court dockets referenced herein pursuant to FRE 201. *See, e.g., U.S. v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980) (“a court may take judicial notice of its own records in other cases”); *Burbank-Glendale-Pasadena Airport Auth. v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir. 1998) (taking judicial notice of court filings in a state court case where the same plaintiff asserted similar claims); *Lawson v. Klondex Mines Ltd.*, 450 F. Supp. 3d 1057, 1071 (D. Nev. 2020) (court may take judicial notice of orders and filings, including proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue); *Bank of Am., N.A. v. CD-04, Inc. (In re Owner Mgmt. Serv., LLC Trustee Corps.)*, 530 B.R. 711, 717 (Bankr. C.D. Cal. 2015) (“The Court may consider the records in this case, the underlying bankruptcy case and public records”).

Where citing to matters outside this Court’s records, a copy of the referenced document is attached for the Court’s convenience.

Each such document/record is attached hereto as an Exhibit.

Exhibit	Description
1	Docket Case No. A-22-854226-B
2	Complaint ¹
3	Plaintiff’s Motion for Declaratory Judgment and for Stay of Arbitration Proceedings
4	Defendants Response in Opposition to Plaintiff’s Motion for Declaratory Judgment and Countermotion to Dismiss
5	Plaintiff’s Reply in Support of its Motion for Declaratory Judgment and For Stay of Arbitration
6	Defendant’s Reply in Support of its Counter Motion to Dismiss

¹ Exhibits 1-14 relate to *Cash Cloud v. Cole Kepro International, LLC*, Case No. A-22-854226-B, filed in the Eighth Judicial District Court in Clark County, Nevada (“Cole Kepro Litigation”). Exhibit 14 is the Notice of Bankruptcy followed by the Administrative Closure of the Case due to the bankruptcy stay in accordance with the practice of the District Court (Exhibit 15). This is not a substantive dismissal. Cole Kepro’s substantive motion to dismiss (Exhibit 4) was denied by the District Court (Exhibit 8).

7	Transcript Motion for Declaratory Judgment
8	Order Granting Motion for Declaratory Judgment and Forestay of Arbitration and Denying Defendant's Counter Motion to Dismiss Action
9	Motion for Reconsideration of Courts October 10, 2022 Order
10	Opposition to Motion for Reconsideration
11	Defendant's Reply in Support of Motion for Reconsideration
12	Order to Consolidate this Case with Case Number 8-22-860298 - B
13	Order Denying Defendant's Motion for Reconsideration
14	Suggestion of Bankruptcy of Plaintiff Cash Cloud Inc.
15	Civil Order to Statistically Close Case - Due to Bankruptcy

Respectfully submitted this 15th day of August, 2023.

CARLYON CICA CHTD.

/s/ Dawn M. Cica

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CERTIFICATE OF SERVICE

I am an employee of Carlyon Cica Chtd. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ ELECTRONIC SERVICE: Pursuant to LR 2002 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed and served on all parties and attorneys who are filing users through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Nancy Arceneaux
An employee of Carlyon Cica Chtd.